

Serial No. 09/916,011

Remarks

Claims 1-31 were pending in the application. Claims 21-31 are withdrawn. Therefore, claims 1-20 are pending in the application.

Claims 2, 3, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application No. US 2002/0094419 A1 of Lin et al. published on July 18, 2002 in view of United States Patent Application No. 5,479,049 issued to Akoi et al. on December 26, 1995. Claims 15 and 18-20 are rejected as being unpatentable over Lin et al.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 2, 3, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Serial No. 09/916,011

Regarding claims 2 and 3, the Office Action states that the phrase "said combined substrate" lacks antecedent basis. It appears that the Office Action has somewhat misread these claims. The entire phrase of interest is actually "said combined substrate and said at least one individual portion of substance to be flowed after said micro lens shape is formed". This is referring to the entirety of the substrate and the deposited portion(s) of substance to be flowed that are thereon. Since the substance to be flowed is deposited on the substrate in claim 1, and not removed, there is proper antecedent basis for the entire phrase.

Claim 20 has been amended to remove the inadvertent extra word "one".

Rejection Under 35 U.S.C. 103(a)

Claims 1-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application No. US 2002/0094419 A1 of Lin et al. published on July 18, 2002 in view of United States Patent Application No. 5,479,049 issued to Akoi et al. on December 26, 1995. Claims 15 and 18-20 are rejected as being unpatentable over Lin et al.

These ground of rejection are respectfully traversed for the following reasons.

Generally, regarding claims 15 and 18-20, the Office Action states that Lin et al teaches a method of making a micro lens that discloses applicant's claimed invention, except for the coating of the substance to be flowed thereon and on the immediate surrounding area.

However, the Office Action mischaracterizes the Lin et al. reference.

In particular, the Office Action states that Lin et al. does not require the formation of a mesa. However, this is incorrect. Clearly, as seen in FIGs. 1C, 1D, 2A, and, 2B, the remains of layer 210 are mesas. Note that the mesa is formed in Lin et al. in FIG. 1C, before the flowing of material 220 into a lens shape. Thus, not only does Lin et al. suffer from the exact problem solved by applicant's invention, it also does not have the element recited in applicant's independent claims 15 of forming a micro lens shape without requiring formation of a mesa. Thus, claims 15 and 18-20 are allowable over Lin et al. under 35 U.S.C. 103.

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Serial No. 09/916,011

Regarding claims 1-14 and 16-17, in addition to the aforementioned teachings of Lin et al., the Office Action cites Akoi et al. for the teaching that an adhesion promoter be provided between a micro lens and an adjoining layer, and concludes that it would have been obvious to one of ordinary skill in the art to provide an adhesion promoter layer between the first (210) and second (220) substance layers in the Lin et al. process. However, even if the Office Action's statement and conclusion are correct, they are irrelevant with respect to applicant's invention as claimed.

This is because, applicant's independent claims 1 and 15 require that the material to be flowed into the micro lens shape be coated with the adhesion promoter on top of it. In Lin et al., this would be the equivalent of depositing the adhesion promoter on top of layer 220 in FIG. 1, since it is layer 220 that is flowed into the lens shape. However, the Office Action is arguing that the teaching of Akoi et al. requires that the adhesion promoter would be coated in Lin et al. on top of layer 210, and beneath layer 220, so that it will be hold layer 220 to layer 210. Clearly this is very different from applicant's claims. Moreover, applicant's invention, as claimed, does not have the equivalent of layer 210, the existence of which is a problem of the prior art solved by applicant's invention.

Also, in Akoi et al., the teaching is that the adhesion promoter is applied only after the micro lenses are already shaped. By contrast, applicant's independent claims 1 and 15 require that the material to be flowed into the micro lens shape be coated with the adhesion promoter prior to its being flowed and shaped. For these reasons, the proposed combination of Lin et al. and Akoi et al. does not make obvious applicant's independent claims 1-14 and 16-17.

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Serial No. 09/916,011

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

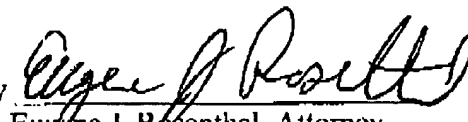
If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully,

C. A. Bolle

By



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Lucent Technologies Inc.

Date: 1/21/05

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